

MURFREESBORO CITY COUNCIL
AGENDA

May 12, 2016

7:00 p.m.

City Council Chambers

PRAYER

MR. RON WASHINGTON

PLEDGE OF ALLEGIANCE

CEREMONIAL ITEMS

***STARS AWARD RECIPIENT: MR. TOM BURKHART (WATER & SEWER DEPARTMENT)**

Consent Agenda

1. A. Consider recommendations of the Street Superintendent:
 - a. Purchase one (1) 2016 Caterpillar CB24B Utility Compactor and one (1) Hank 20' Tilt Trailer.
 - b. Purchase one (1) XtremeVac Truck Mounted Vacuum Debris Collector.
- B. Consider recommendations of the City Recorder/Finance Director: Acknowledgement of receipt of City Manager's approved Budget Amendments for Fiscal Year 2016.
- C. Consider recommendations of the Community Development Grant Coordinator: Use of Funds through the Affordable Housing Assistance Program for 4912 Camborne Circle and 2424 New Holland Circle.
- D. Consider recommendations of the Parks & Recreation Director:
 - a. Adult Softball Fee Changes.
 - b. Ultimate Frisbee League for Youth.
 - c. Professional Services Agreements for Athletic Facility Lighting.
 - d. Change Order No. 1 for Cannonsburgh Village Fencing.
- E. Consider recommendations of the Solid Waste Director:
 - a. Award of contract to Cumberland International for the purchase of one (1) 20-yard rear loader.
 - b. Award of contract to Mack of Nashville for the purchase of five (5) 27-yard refuse trucks and packers.
 - c. Procurement of Toter 96-Gallon EVR Universal Carts, Model 76596 from Toter LLC's National Intergovernmental Purchasing Alliance Company Master Agreement No. 120576-01 awarded by City of Tucson, AZ with the Toter LLC.

Third Readings

2. Consider for passage on third and final reading ORDINANCE 16-O-17 amending Chapter 4, Alcoholic Beverages, including liquor, wine, and beer.
3. Consider for passage on third and final reading ORDINANCE 16-O-18 amending the 2015-2016 Budget (4th Amendment).
4. Consider for passage on third and final reading ORDINANCE 16-OZ-10 to rezone an area at 1710 E. Northfield Boulevard to Residential Multi-Family Sixteen (RM-16) District [2016-409].
5. Consider for passage on third and final reading ORDINANCE 16-OZ-11 to rezone an area along Conference Center Boulevard and Avenue Way to Planned Residential Development (PRD) District (Vasari Lofts) [2016-411].
6. Consider for passage on third and final reading ORDINANCE 16-OZ-12 to rezone an area in Liberty Cove Subdivision to Single-Family Residential Ten (RS-10) District and Single-Family Residential Fifteen (RS-15) District [2016-410].
7. Consider for passage on third and final reading ORDINANCE 16-OZ-14 to zone an area located west of Manchester Pike as Light Industrial (L-I) District [2016-408].
8. Consider for passage on third and final reading ORDINANCE 16-OZ-15 to zone an area along New Salem Highway as Commercial Fringe (CF) District and Residential Multi-Family Sixteen (RM-16) District [2016-407].

Second Readings

9. Consider for passage on second reading ORDINANCE 16-OZ-09 to zone approximately 16.5 acres as Planned Residential Development (PRD) District and rezone approximately 16.5 acres as Planned Residential Development (PRD) District along West Thompson Lane [2015-431].

MURFREESBORO CITY COUNCIL
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(Continued)

10. Consider for passage on second reading ORDINANCE 16-OZ-13 to zone an area along Blackman Road and Florence Road as Planned Residential Development (PRD) District (Shelton Springs) [2016-406].
11. Consider for passage on second and final reading ORDINANCE 16-O-22 amending Chapter 33, Water and Sewers, Section 33-1 of the Murfreesboro City Code, dealing with minimum monthly water charges and minimum monthly sewer charges.

New Business

12. Consider for approval Certificates of Compliance for Wine in Retail Stores:
 - A. Walmart #416, 140 Joe B. Jackson Parkway.
 - B. Walmart #2757, 2012 Memorial Boulevard.
 - C. Walmart #5182, 2478 New Salem Highway.
13. A. Pursuant to RESOLUTION 16-O-R-16 adopted by the City Council on April 7, 2016, conduct a public hearing to consider the formation of a sanitary sewer special assessment district, known as the South Church Street No. 1 Sanitary Sewer Special Assessment District. Notice of said public hearing was published in the April 25, 2016 issue of a local newspaper.
 - B. Reconsider for passage on third and final reading ORDINANCE 16-O-16 amending Chapter 33 of the Murfreesboro City Code by creating Section 33-214, establishing a sanitary sewer special assessment district to be known as the South Church Street No. 1 Sanitary Sewer Special Assessment District.
14. Consider request of City Manager to schedule dates for the 2016-2017 Budget Review and Public Hearing.

Board & Commission Appointments

15. A. Appointment to Historic Bottoms Study Steering Committee.
 - B. Reappointment to Cable TV Commission.
 - C. Reappointment to Public Building Authority.

Beer Permits

Payment of Statements

Other Business from Staff or City Council

Adjourn



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CONSENT AGENDA

April 28, 2016

HONORABLE MAYOR AND MEMBERS OF MURFREESBORO CITY COUNCIL

RE: Request to purchase one 2016 Caterpillar CB24B Utility Compactor and one Hank 20' Tilt Trailer

As an item for the consent agenda, I respectfully request approval to purchase one 2016 Caterpillar CB24B Utility Compactor and Trailer under the National Joint Powers Alliance (NJPA) Master Agreement with Thompson Machinery.

Background

Purpose

The purchase of an Asphalt Utility Compactor and Tilt Trailer will better enable the City to perform routine asphalt maintenance of state routes and right-of-ways located within the city limits of Murfreesboro. The compactor replaces the 1999 Asphalt Roller which has become undependable. The trailer will be solely built for the Asphalt Utility Compactor.

Selection Process

Pursuant to T.C.A. § 12-3-1205, where any local or private act, charter or general law requires that a local government unit purchase by competitive bidding, the local unit of government may, notwithstanding the local or private act, charter, or general law, purchase, the municipality may consider the price for an item or service under any contract or agreement pursuant to T.C.A. §12-3-1205. Furthermore, Murfreesboro City Resolution 13-R-11 authorizes purchases without competitive bidding from the National Joint Powers Alliance (NJPA) Master Agreement.

The Caterpillar CB24B Utility Compactor is available for purchase pursuant to T.C.A. § 12-3-1205 through the National Joint Powers Alliance (NJPA) Master Agreement, Contract Number No. 032515-CAT.

Fiscal Impact

These items have been budgeted in the amount of \$60,000.00 and will be paid from the 2015 City of Murfreesboro Capital Improvement Program.

The price for the compactor and trailer is under the budgeted amount by \$2,377.00.

Recommendation

Accordingly, I respectfully request waiver of the competitive bid process and approval to purchase a Caterpillar CB24B Utility Compactor and Trailer from Thompson Machinery through the National Joint Powers Alliance (NJPA) Master Agreement, NJPA Contract Number 032515-CAT in the amount of \$57,623.00.

Attachment

1 NJPA Contract Documentation # 03215-CAT – 2016 Caterpillar CB24B Utility Compactor

Sincerely,

Raymond Hillis
Street Superintendent



January 25, 2016

City Of Murfreesboro

Mr. Jamie

Per your request, we are pleased to present the following quotation for one new 2016 Caterpillar CB24B Compactor equipped as follows:

- o 3642303 CB24B UTILITY COMPACTOR
- o 3642272 ENGINE
- o 3642313 PROPEL, STANDARD
- o 3642282 HYDRAULIC OIL, STANDARD
- o 4326053 LIGHTING PACKAGE, STANDARD
- o 3615825 SEAT, NON SUSPENSION
- o 3767962 BELT, SEAT, 2" SUSPENSION
- o 3642279 SUPPORT, SLIDING FOR SEAT
- o 3642287 ROPS, FOLDABLE
- o 4328451 TRAVEL CONTROL, COVER GP
- o 3642297 SWITCH, BATTERY DISCONNECT
- o 4545454 PRODUCT LINK, CELLULAR PL641
- o 4569432 MATS, COCOA
- o OTHER STANDARD EQUIPMENT

YOUR PURCHASE PRICE: f.o.b. LaVergne, TN

\$43,723.00 plus taxes, if applicable

TRAILER OPTIONS:

Model Hank
20' Tilt Trailer
Cushion Cylinder
(2) - 10,000lb Torflex Axles Electric over Hydraulic Brakes
Fork Holders in Trailer
17.5 16 Ply Tires

YOUR PURCHASE PRICE: f.o.b. LaVergne, TN

Price \$13,900.00 plus taxes, if applicable

TERMS: Net Cash upon Invoice. Discount Based Off NJPA Contract.

DELIVERY: From Thompson Cat stock, subject to prior sale.

WARRANTY: Factory standard 1year full machine warranty, plus a 3 year / 5,000 hour major component warranty are also included. Please see warranty statement for details. Thompson Machinery will provide complimentary travel time and mileage for the initial 180 days from delivery date for warrantable repairs.

SERVICE BRANCHES: Thompson Machinery maintains full service branches and rental stores in La Vergne, Clarksville, Camden, Cookeville, Manchester, Jackson, and in Memphis TN. Greenwood, Tupelo, and Columbus MS.

Thank you for the opportunity to submit this quotation, which will remain valid for 30 days. Should you have any questions, please feel free to contact me at (615) 405-4792. Thank you for choosing to partner with Thompson Machinery and Caterpillar for your equipment needs. We look forward to earning your valued business!

Thompson Machinery Company

Joseph S. Fisher
Territory Manager



Contract Acceptance and Award

(To be completed only by NJPA)

NJPA 032515 HEAVY CONSTRUCTION EQUIPMENT WITH RELATED ACCESSORIES,
ATTACHMENTS, AND SUPPLIES

Caterpillar, Inc
Proposer's full legal name

Your proposal is hereby accepted and awarded. As an awarded Proposer, you are now bound to provide the defined product/equipment and services contained in your proposal offering according to all terms, conditions, and pricing set forth in this RFP, any amendments to this RFP, your Response, and any exceptions accepted or rejected by NJPA on Form C.

The effective start date of the Contract will be May 19th, 20 15 and continue for four years from the board award date. This contract has the consideration of a fifth year renewal option at the discretion of NJPA.

National Joint Powers Alliance® (NJPA)

NJPA Authorized signature: _____

NJPA Executive Director

Dr. Chad Coarville

(Name printed or typed)

Awarded this 19th day of May, 20 15 NJPA Contract Number 032515-CAT

NJPA Authorized signature: _____

NJPA Board Member

Scott Veronen

(Name printed or typed)

Executed this 19th day of May, 20 15 NJPA Contract Number 032515-CAT

Proposer hereby accepts contract award including all accepted exceptions and NJPA clarifications identified on FORM C.

Vendor Name CATERPILLAR INC.

Vendor Authorized signature: _____

MIKE HYNES

(Name printed or typed)

Title: GOVERNMENTAL ACCOUNT MANAGER

Executed this 20th day of MAY, 20 15 NJPA Contract Number 032515-CAT

Contract Award
RFP 032515 #

FORM D



Formal Offering of Proposal
(To be completed Only by Proposer)

HEAVY CONSTRUCTION EQUIPMENT WITH RELATED ACCESSORIES, ATTACHMENTS, AND SUPPLIES
In compliance with the Request for Proposal (RFP) for HEAVY CONSTRUCTION EQUIPMENT WITH RELATED ACCESSORIES, ATTACHMENTS, AND SUPPLIES the undersigned warrants that I/we have examined this RFP and, being familiar with all of the instructions, terms and conditions, general specifications, expectations, technical specifications, service expectations and any special terms, do hereby propose, fully commit and agree to furnish the defined equipment/products and related services in full compliance with all terms, conditions of this RFP, any applicable amendments of this RFP, and all Proposer's Response documentation. Proposer further understands they accept the full responsibility as the sole source of responsibility of the proposed response herein and that the performance of any sub-contractors employed by the Proposer in fulfillment of this proposal is the sole responsibility of the Proposer.

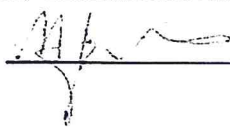
Company Name: Caterpillar Inc.

Date: 10/18/15

Company Address: 100 NE Adams Street

City: Peoria State: IL. Zip: 61629

Contact Person: Mike Hynes Title: Governmental Account Manager

Authorized Signature (ink only):  Mike Hynes (Name printed or typed)



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CONSENT AGENDA

May 4, 2016

HONORABLE MAYOR AND MEMBERS OF MURFREESBORO CITY COUNCIL

RE: Request to purchase one (1) XtremeVac Truck Mounted Vacuum Debris Collector

As an item for the consent agenda, I respectfully request approval to purchase one (1) XtremeVac Truck Mounted Vacuum Debris Collector under the National Joint Powers Alliance (NJPA) Master Agreement with Old Dominion Brush Co., Inc.

Background

Purpose

The purchase of a Vac Truck Mounted Vacuum Debris Collector will better enable the City to perform routine leaf collection within the city limits of Murfreesboro. This vacuum truck will add to the already existing fleet of three vacuum trucks which will allow us to respond in a quicker time frame.

Selection Process

Pursuant to T.C.A. § 12-3-1205, where any local or private act, charter or general law requires that a local government unit purchase by competitive bidding, the local unit of government may, notwithstanding the local or private act, charter, or general law, purchase, the municipality may consider the price for an item or service under any contract or agreement pursuant to T.C.A. §12-3-1205. Furthermore, Murfreesboro City Resolution 13-R-11 authorizes purchases without competitive bidding from the National Joint Powers Alliance (NJPA) Master Agreement.

The XtremeVac Truck Mounted Vacuum Debris Collector is available for purchase pursuant to T.C.A. § 12-3-1205 through the National Joint Powers Alliance (NJPA) Master Agreement, Contract Number No. 060612-ODB from CMI Equipment for \$175,525.55.

Fiscal Impact

This is a budgeted item and will be paid from the 2015 City of Murfreesboro Capital Improvement Program. The vacuum truck was budgeted in the amount of \$242,000.00.

The contract price for the Vacuum Truck is under the budgeted amount by \$69,474.45.

Recommendation

Accordingly, I respectfully request waiver of the competitive bid process and approval to purchase an XtremeVac Truck from CMI Equipment through the National Joint Powers Alliance (NJPA) Master Agreement, NJPA Contract Number 060612-ODB.

Attachment

1 NJPA Contract Documentation # 060612-ODB – XtremeVac Truck Mounted Vacuum Debris Collector

Sincerely,

Raymond Hillis
Street Superintendent

OLD DOMINION BRUSH CO., INC.
5118 Glen Alden Drive, Richmond, VA 23231
1-800-446-9823

PROPOSAL # 05/02/16RT1
City of Murfreesboro
Murfreesboro, TN



DATE: May 2, 2016
NJPA Member #20562

SELF-CONTAINED TRUCK MOUNTED MODELS

DESCRIPTION	Price
(1) New XtremeVac Truck Mounted Vacuum Debris Collector Model SCL65SM30	\$ 57,000.00
Hopper - 30 cubic yards with self dumping underbody hoist	
28" diameter suction impeller with six 3/8" thick T-1 steel blades	
3-groove power band belt drive for suction impeller	
16" diameter x 120" urethane suction hose with steel nozzle	
Hydraulic hose boom powered by an electric/hydraulic pump	
Powered by John Deere Power Tech EWX 2.9L 3 cyl diesel rated for 74 HP Final Tier 4	
13" clutch assembly with a 2.25" diameter PTO shaft	
30-gallon polyethylene fuel tank	
MVP electronic engine controls with engine safety shut down system	
Underbody type hoist that dumps to 52 degrees and is power up/down	
LED type DOT lights and 2 oval LED amber flasher lights at rear	
All components pre-painted prior to assembly - hopper standard white color	
Engine compartment & vacuum blower housing painted battleship grey	
Poly fenders mounted on rear wheels	
Mounted on approved new chassis	

Options

BE (bottom exhaust) for 30 cubic yard units	\$ 7,500.00
Light bar on hopper nose cone with 4 front facing amber flashing LED lights	\$ 900.00
Hydraulic rear door latches for single top hinged door	\$ 3,540.00
F/S CAMSET56-NTSC-2 rear color camera with 5.6" screen with audio - installed	\$ 1,400.00
3-Axis (3X) automated hose boom (in/out, up/down & left/right) with cab controls	\$ 12,800.00
11 gauge perforated top screens with 3/16" holes in lieu of standard	\$ 2,400.00
2017 or newer Freightliner 33,000 GVW chassis with dual steering	\$ 96,995.00

Total Equipment Cost: \$ 182,535.00

NJPA 7% Discount: \$ (12,777.45)

NET Equipment Cost: \$ 169,757.55

Transportation cost from Richmond, VA at \$2/mile 634 \$ 1,268.00

TOTAL NJPA ITEMS COST PER UNIT: \$ 171,025.55

NON CONTRACT ITEM:

Increase to 35,000 GVW and longer CA dimension for 30 cubic yard unit \$ 1,500.00

TOTAL DELIVERED COST: \$ 172,525.55

NJPA AWARDED
CONTRACTS

Contract #060612-ODB

Please make Purchase order out to:
CMI Equipment
2405 Dickerson Road
Nashville, TN 37207
(800) 960-7800



Thank you, *Rick Timmerman*
800-632-7989
rickt@odbco.com

Contract Award
RFP #060612**FORM D****SOLID WASTE AND RECYCLING COLLECTION EQUIPMENT WITH RELATED EQUIPMENT,
ACCESSORIES AND SUPPLIES.****Proposal Offering (To be completed Only by Proposer)**

In compliance with the Request for proposal (RFP) for "SOLID WASTE AND RECYCLING COLLECTION EQUIPMENT WITH RELATED EQUIPMENT, ACCESSORIES AND SUPPLIES", the undersigned warrants that I/we have examined this RFP and, being familiar with all of the instructions, terms and conditions, general specifications, expectations, technical specifications, service expectations and any special terms, do hereby offer and agree to furnish the defined equipment/products and services and services in compliance with all terms, conditions of this RFP, any applicable amendments of this RFP, and all Proposer's Response documentation. Proposer further understands they are the sole offeror herein and that the performance of any sub-contractors employed by the Proposer in fulfillment of this offer is the sole responsibility of the Proposer.

Company Name: Old Dominion Brush Co., Inc. Date: June 7, 2012Company Address: 5118 Glen Alden DriveCity: Richmond State: Virginia Zip: 23231Contact Person: Rick Timmerman Title: E National Account Rep.Authorized Signature (ink only): Duke Brizzolara Duke Brizzolara - Vice Pres.
(Name printed or typed)**Contract Acceptance and Award (To be completed only by NJPA)**

Your proposal offering is hereby accepted and awarded. As an awarded Proposer, you are now bound to provide the defined goods and services contained in your proposal offering according to all terms, conditions, and pricing set forth in this RFP, any amendments to this RFP, and the Proposer's Response. The effective date of the Contract be July 17, 2012 and continue for four years thereafter AND which is subject to annual renewal at the option of both parties.

National Joint Powers Alliance® (NJPA)NJPA Authorized signature: Todd Lyser TODD LYSCIO
(Name printed or typed)Title: Executive Director NJPAAwarded this 17th day of JulyContract Number # 060612-008NJPA Authorized signature: Lane A Walden (Name printed or typed)Title: Board ClerkExecuted this 17th day of July 2012Contract Number # 060612-008

**Letter of Agreement
to Extend the Contract**

Between

Old Dominion Brush Company (Vendor)
5118 Glen Alden Drive
Richmond, VA 23231

and

National Joint Powers Alliance® (NJPA)
202 12th Street NE
Staples, MN 56479
Phone: (218) 894-1930

The Vendor and NJPA have entered into an Agreement (Contract #060612-ODB) for the procurement of Solid Waste and Recycling Collection Equipment with Related Equipment, Accessories and Supplies. This Agreement has an expiration date of July 17, 2016, but the parties may extend the Agreement for one additional year by mutual consent.

The parties acknowledge that extending the Agreement for another year benefits the Vendor, NJPA and NJPA's Members. The Vendor and NJPA therefore agree to extend the Agreement listed above for a fifth year. This existing Agreement will terminate on July 17, 2017. All other terms and conditions of the Agreement remain in force.

National Joint Powers Alliance® (NJPA)

By:  Its: Executive Director/CEO

Name printed or typed: Chad Coquette

Date

5/18/16

Old Dominion Brush Company

By:  Its: VP

Name printed or typed: Duke Barre

Date

3/26/16



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CONSENT AGENDA

May 6, 2016


Honorable Mayor and Members of City Council:

RE: Fiscal Year 2016 Budget Amendment

Attached you will find a budget transfer as approved by the City Manager on May 4, 2016.

This is a transfer within the General Fund, for the Police Department and is moving \$100,000.00 from the Salary and Benefits roll up category to the Fixed Assets roll up category. See attachment for detailed line items. This transfer will have no effect on Fund Balance.

This is being placed on Consent Agenda as a proof of notification to Council as required by Ordinance 15-O-48.


Melissa B. Wright
City Recorder, Finance Director

Finance and Tax Administration

111 West Vine Street * P. O. Box 1139 * Murfreesboro, Tennessee 37133-1139 * Phone 615 893 5210 * Fax 615 848 3247
TDD 615 849 2689 www.murfreesborotn.gov



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Inter-Fund Budget Amendment Request

Mr. Lyons,

Submitted for your approval, per Ordinance 15-O-48, is the following budget amendment requesting a transfer within the same fund.

Budget Fiscal Year: 2016

Move funds from:

Org 10210007
Object 511100
Acct Name Salary - Full-Time - Regular
Amount \$ 100,000.00

Move funds to:

Org 10210009
Object 594701
Acct Name Computer Software Exp

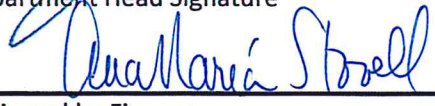
Explanation: Monies will fund the purchase of IA Pro software and Power DMS software.

IA Pro software is an Internal Affairs software that maintains and tracks all investigations.

Power DMS will maintain Policy, Training and Accreditation in an approved electronic standard.


Department Head Signature

4/27/16
Date


Reviewed by Finance

4/28/16
Date

Approved




City Manager

Declined



5/4/16
Date

Please return to Ana Maria Stovall, Finance & Tax Dept., once all signatures have been obtained.



Consent Agenda

May 12, 2016

Honorable Mayor and Members of City Council

RE: Community Development Affordable Housing Assistance Program

Background

Homebuyers for the properties referenced below applied with the City requesting principal reduction and closing cost assistance. The lenders referenced below are assisting the applicants with a first mortgage loan under the guidelines established by the Affordable Housing Assistance Program.

<u>Property Address</u>	<u>CDBG</u>	<u>Sales Price</u>	<u>First Mortgage Lender</u>
4912 Camborne Circle	10,000.00	117,500.00	Iberia Bank Mortgage
2424 New Holland Circle	10,000.00	130,500.00	First Community Mortgage

Fiscal Impact

The Fiscal Year 2016 Community Development Budget allocates \$120,000 in CDBG funds for direct service to homebuyers. After deducting for these transactions, approximately \$40,000 will remain uncommitted in this line item.


Concurrences

Information provided to the City by the applicants indicates eligibility for assistance. Disbursement of funds will be subject to final approval of the first mortgage loans and the properties and applicants meeting all program criteria at the time of closing.

Recommendation

City Council is recommended to approve budgeted CDBG funds through the Affordable Housing Assistance Program for the purchase transaction at 4912 Camborne Circle and 2424 New Holland Circle.

Respectfully,


Patty Pope
Grant Coordinator



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May 12, 2016

Mayor and Members of City Council:

RE: Recommendations for Approval from Parks and Recreation Director

- I. Adult Softball Fee Changes**
- II. Ultimate Frisbee League for Youth**
- III. Professional Services Agreements for Athletic Facility Lighting**
- IV. Change Order 1 for Cannonsburgh Village Fencing**

As items for the **Consent Agenda**, it is recommended that City Council approve Adult Softball fee changes, an Ultimate Frisbee League, Professional Services Agreements for Athletic Facility Lighting, and Change Order 1 for Cannonsburgh Village Fencing.

Item I. – Adult Softball Fee Changes

Background

The Murfreesboro Parks and Recreation Department (MPRD) has offered Adult Softball for many years and has seen enormous growth over the past few years, with the maximum number of teams reached each season. At the Murfreesboro Parks and Recreation Commission (MPRC) meeting on May 4, 2016, MPRD staff requested a team fee increase to cover the rising costs related to officials, trophies, and staff. Currently, the fee is \$450. The MPRC recommended changing the fee to \$550 after comparing MPRD's softball fee to fees in Smyrna (\$595), Franklin (\$575), and at Mid-State Sports in Nashville (\$650). The \$100 increase in fees was recommended by the MPRC to help cover costs of the program.

Additionally, the MPRC approved a free agent fee of \$60. This fee would allow individual players who want to be placed on a team an opportunity to play. The fee would guarantee that the individual would be placed on an existing team, or on a new team consisting of free agents. The players would receive a uniform, and softballs would be provided to any free agent team that is formed.

Fiscal Impact

A \$550 fee for each Adult Softball team will cover costs of a 10-week season, including an elimination tournament, t-shirts for the winning team, costs for practice fields, games, scorekeepers, and certified officials. Also, a \$60 free agent fee will guarantee free agent players that they will be able to play in the league, and they will receive a uniform. Further, softballs will be provided to any free agent teams that are formed.

Concurrence

The MPRC, at its May 4, 2016, meeting unanimously approved to increase the Adult Softball fee from \$450 to \$550 and approved the requested \$60 free agent fee.

Recommendation

I respectfully request City Council's approval of the \$550 Adult Softball fee and the \$60 free agent fee as described.

Item II. – Murfreesboro Ultimate Frisbee League**Background**

MPRD staff would like to offer an Ultimate Frisbee League for youth. The league would be played at the McKnight Park multipurpose complex for eight weeks. USA Ultimate Frisbee saw a large increase in Ultimate Frisbee youth participants in 2014 and indicated that the sport is one of the fastest growing sports in the nation due to its unique sense of sportsmanship, community, and a fun atmosphere. The sport creates high speed action and teamwork, with little physical impact during play. Additionally, the Sports and Fitness Industry Association has announced that over 5,000,000 people (according to a national survey) participated in Ultimate Frisbee in 2013. Ultimate Frisbee has even expanded to colleges, high schools, and middle schools, where teams are being formed. Staff intends to offer this league during the summer when the youth are out of school.

Fiscal Impact

Staff is requesting that a \$50 fee be assessed to each participant for eight weeks of play, which includes a tournament, field times (for practices and games), discs, equipment, certified observers, and jerseys.

Concurrence

At its May 4, 2016, meeting, the Murfreesboro Parks and Recreation Commission unanimously approved the Murfreesboro Ultimate Frisbee League with its associated fee of \$50 per participant.

Recommendation

I respectfully request Council's approval of the proposed Ultimate Frisbee League for youth and the league's associated fee of \$50 per participant.

Item III. – Professional Services Agreements for Athletic Field Lighting**Background**

MPRD staff would like to add lighting to four (4) Richard Siegel Park (RSP) Soccer Fields and to eight (8) outdoor courts at the 16-court tennis complex next to the Adams Tennis Complex at Old Fort Park. Staff believes that the addition of lighting will help maximize use at the facilities during peak seasons.

There are 9 lighted fields at the soccer complex. Overuse of the fields has been a concern for several years. By lighting the four fields on the southwest portion of the park, stress on the 9 fields can be significantly reduced. Also, usability of the four proposed fields will be increased with the availability of lighting.

Old Fort Park's tennis courts are in high demand, and as player development programs are added, more court space will be needed in the hours after daylight. Lighting the eight remaining unlit outdoor courts will allow for increased usability of the Old Fort Park tennis facilities.

Fiscal Impact

Lose and Associates, Inc., has submitted an estimated cost of \$19,916 (for two separate A & E proposals) for their firm to develop the electrical design, provide specifications, oversee the bid process and monitor the installation of lighting for the fields at Richard Siegel Park and at Old Fort Park as described. Monies are available in the current CIP budget to cover these costs.

Concurrence

The MPRC, at its May 4, 2016, meeting unanimously approved for the City to enter into Professional Services Agreements with Lose and Associates, Inc., for the architectural and engineering work needed for athletic field lighting at the Richard Siegel soccer park and at Old Fort Park.

Recommendation

I respectfully recommend that Council approve for the City to enter into two Professional Services Agreements with Lose and Associates, Inc., for the architectural and engineering work needed for athletic facility lighting at Richard Siegel Park and Old Fort Park, pending the Legal Department's review and approval.

Item IV. – Change Order 1 for Cannonsburgh Village Fence Installation**Background**

City Council recently (April 7, 2016) approved the low bid of Bratton Brothers Services, Inc., of Murfreesboro for fencing work at Cannonsburgh, which will include fencing, gates and various materials needed for the project, as well as removal, trimming, and disposal of all trees and vegetation in the areas where the fencing is to be installed. MPRD Staff has determined that another gate is needed at Cannonsburgh Village and has requested Bratton Brothers to include it in the current fencing project. Change Order 1 has been submitted by Bratton Brothers for the additional gate.

Fiscal Impact

The current contract price for the fencing project at Cannonsburgh Village is \$45,815.00. Change Order 1 will increase the contract price by \$696.00 for a total contract price of \$46,511.00. Necessary monies for the original fencing project and the addition of the gate are earmarked in the 2012 TML Funds.

Concurrence

Murfreesboro Parks and Recreation staff finds Change Order 1 in the amount of \$696.00 to be in order for an additional gate to be included in the current fencing project at Cannonsburgh Village.

Recommendation

I recommend that Change Order 1 in the amount of \$696.00 be approved, bringing the total Cannonsburgh Fencing Project cost to \$46,511.00.

Respectfully,

Lanny Goodwin, CPRP
Director



May 9, 2016

CONSENT AGENDA

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

Re: Award of contract to Cumberland International for the purchase of One (1) 20-yard Rear Loader

As an item for the Consent agenda of May 12, 2016, it is recommended that the City Council award the bid for the purchase of one (1) 20-yard rear loader to Cumberland International at a price of \$160,586..

Selection Process

The Solid Waste Department, in conjunction with the Purchasing Department, issued and invitation to bid for a rear loader solid waste truck. . The competitive purchasing process was followed for this item, and an Invitation to Bid was released to the public on March 24, 2016. Sealed bids were opened on April 25, 2016.

Bids

The City received the following bids:

1. Cumberland International	\$160,586.00
2. CMI Equipment Sales	\$174,590.00
3. Rush Truck Center	\$200,062.00

After reviewing the bid responses of all bidders, it was determined that Cumberland International submitted the lowest responsible and responsive bid of the vendors that participated.

Fiscal Impact

The 2016 Capital Improvement Plan included funding in the amount of \$190,000 for the purchase of one 20 yard rear loader.

The total purchase price is \$160,586.00 which is under budget by \$29,414.00.

Recommendation

It is recommended that the bid for (1) 20 yard rear loader be awarded to Cumberland International.

Sincerely,

Joey Smith

Solid Waste Department

4765 Florence Road * Murfreesboro, Tennessee 37129 * Phone 615 893 3681 * Fax 615 904 6541
www.murfreesborotn.gov



May 9, 2016

CONSENT AGENDA

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

Re: Award of contract to Mack of Nashville for the purchase of Five (5) 27-yard refuse trucks and packers

As an item for the consent agenda of May 12, 2016, it is recommended that the City Council award the bid for the purchase of five (5) 27-yard refuse trucks and packers.

Selection Process

The Solid Waste Department, in conjunction with the Purchasing Department, advertised for five (5) 27-yard side loading solid waste collection vehicles. The purchasing process was followed for this item, and an Invitation to Bid was released to the public on March 24, 2016. Sealed bids were opened on April 25, 2016.

Bids

The City received the following bids:

1. CMI Equipment Sales	\$292,922.00
2. Mack of Nashville	\$322,800.00
3. Municipal Equipment, Inc.	\$326,948.00

The bid from CMI Equipment Sales did not meet the specifications in 4 critical areas and is therefore rejected. These areas are as follows:

1. The body construction specifications on page 15 of 31 in the City of Murfreesboro ITB number 7, states the body shall be all welded construction and liquid tight up to 40 inches inside the body. CMI's proposal 28 inches with a forward sump for liquid management. This submittal did not meet specifications.
2. The hopper specifications on page 15 of 31 in the City of Murfreesboro ITB item number 1, states the hopper shall have a minimum capacity of 5.7 cubic yards. CMI's submittal the hopper has a capacity of 4.7 cubic yards. This submittal did not meet specifications.
3. The hydraulic specifications set forth in the City of Murfreesboro ITB on page 17 number 24, hydraulic system must operate at an acceptable temperature without the need for an external oil-cooling device. CMI's submittal has an external oil cooling device. This submittal did not meet specifications.

4. The packer specifications on page 18 of 31 in the City of Murfreesboro ITB number 1 specifies an auger mechanism. CMI's submittal specifies a pack blade mechanism. This submittal does not meet specifications.

After reviewing the bid responses of all bidders, it was determined that Mack of Nashville submitted the lowest responsible and responsive bid of the vendors that participated.

Fiscal Impact

The 2016 Capital Improvement Plan included funding in the amount of \$1,800,000.00 for the purchase of five automated side loaders.

The total purchase price is \$1,614,000.00 which is under budget by \$186,000.

Recommendation

It is recommended that the bid for (5) 27 yard refuse trucks and packers be awarded to Mack of Nashville.

Sincerely,

Joey Smith

Solid Waste Department

4765 Florence Road * Murfreesboro, Tennessee 37129 * Phone 615 893 3681 * Fax 615 904 6541
www.murfreesborotn.gov



... creating a better quality of life

May 9, 2016

CONSENT AGENDA

HONORABLE MAYOR AND MEMBERS OF MURFREESBORO CITY COUNCIL

RE: Procurement of Toter 96 Gallon EVR Universal Carts, Model 76596 from Toter LLC's National Intergovernmental Purchasing Alliance Company Master Agreement No. 120576-01 awarded by City of Tucson, AZ for the Solid Waste Department

City Council is asked to consider approval to purchase the above-referenced Universal Refuse Carts for the Solid Waste Department under the National Intergovernmental Purchasing Alliance Company Master Agreement No. 120576-01 awarded by City of Tucson, AZ with the Toter LLC.

Background

Purpose

The City desires to procure six hundred and thirty-six (636) Toter 96 Gallon EVR Universal Carts, Model 76596 from Toter LLC through the National Intergovernmental Purchasing Alliance Company Master Agreement No. 120576-01 awarded by City of Tucson, AZ for the Solid Waste Department.

Selection Process

Pursuant to T.C.A. § 12-3-1205(b), any municipality may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any goods, supplies, services, or equipment with one (1) or more other governmental entities outside this state, to the extent the laws of the other state permit the joint exercise of purchasing authority, in accordance with an agreement entered into between or among the participants; provided, such goods, supplies, services, or equipment were procured in a manner that constitutes competitive bidding and were advertised, evaluated, and awarded by a governmental entity and made available for use by other governmental entities. Additionally, the governing body of the municipality must adopt a resolution authorizing participation in the master agreement. City of Murfreesboro Resolution 11-R-27, adopted on December 8, 2011, authorizes purchases without competitive bidding through the National Intergovernmental Purchasing Alliance cooperative purchasing master agreements in accordance with T.C.A. §12-3-1205(b).

Toter LLC was awarded a contract by the City of Tucson, AZ for the sale of refuse and recycling container solutions and related products, equipment and services through a competitive bidding process that meets the requirements of T.C.A. §12-3-1205(b). The City wishes to utilize the National Intergovernmental Purchasing Alliance Company Master Agreement No. 120576-01 awarded by City of Tucson to procure six hundred and thirty-six (636) Toter 96 Gallon EVR Universal Carts, Model 76596 from Toter LLC.

Fiscal Impact

The purchase price of the carts is \$30,759.42. This is a budgeted item, the Solid Waste Department in the 2015-2016 budget on page 192 under miscellaneous expense disposal carts budgeted \$175,000 for the purchase of disposal cart for the residents of the City of Murfreesboro.

The contract price for the referenced refuse carts is under the budgeted amounts.

Recommendation

Accordingly, I respectfully request waiver of the competitive bid process and approval to purchase six hundred and thirty-six (636) Toter 96 Gallon EVR Universal Carts, Model 76596 from Toter LLC through the National Intergovernmental Purchasing Alliance Company Master Agreement No. 120576-01 awarded by City of Tucson, AZ referenced above.

Sincerely,

Joey Smith
Director of Solid Waste Department

ORDINANCE 16-O-17 amending the Murfreesboro City Code, Chapter 4, Alcoholic Beverages, including liquor, wine, and beer.

WHEREAS, Chapter 3, Title 57 of the Tennessee Code Annotated governs local government regulation of the manufacture, storage, distribution and sale of alcoholic beverages other than beer;

WHEREAS, Chapter 4, Title 57 of the Tennessee Code Annotated governs local government regulation of the sale of alcoholic beverages other than beer for consumption on the premises of a public accommodation;

WHEREAS, Chapter 5, Title 57 of the Tennessee Code Annotated governs the regulation of the manufacture, storage, distribution, and sale of beer by local government entities; and

WHEREAS, in order to conform local ordinances to general state laws and to protect, promote, and preserve public health, safety, and welfare through the reasonable regulation of lawful economic activity, this ordinance shall be enacted.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Chapter 4, Article I, Intoxicating Liquors and Drinks, of the Murfreesboro City Code, created by Ordinance No. 87-15, as amended, is hereby deleted in its entirety and substituted in lieu thereof the following:

“ARTICLE I. ALCOHOLIC BEVERAGES (OTHER THAN BEER)

SECTION 4-1 SUBJECT TO CERTAIN STATUTES AND REGULATIONS.

- (A) The general provisions of the state law relating to alcoholic beverages as contained in Title 57 of the Tennessee Code are hereby adopted and by reference are fully incorporated in this article.
- (B) The various rules and regulations promulgated from time to time by the Tennessee Alcoholic Beverage Commission and Department of Revenue regarding the sale of alcoholic beverages as herein defined are hereby adopted and by reference are fully incorporated in this article.
- (C) It shall be unlawful to engage in the business of selling, storing, transporting or distributing or to purchase or possess alcoholic beverages within the corporate limits of the City, except as permitted by and in accordance with Title 57 of the Tennessee Code, the rules and regulations promulgated thereunder, and this chapter.
- (D) This article and the provisions herein shall be interpreted and enforced in conjunction with the laws of the state regarding alcoholic beverages. In the event of conflicts or inconsistencies, the laws of the state shall control.

SECTION 4-2 TERMS DEFINED.

- (A) For purposes of Articles I and II of this chapter, the following terms shall have the meanings ascribed to them in this section:
 - (1) Alcoholic Beverage. Any beverage or liquid product satisfying the definition for alcoholic beverage in T.C.A. § 57-3-101, which definition excludes patent medicine and beer as defined in T.C.A. § 57-5-101(b).
 - (2) Applicant. Any person filing or on whose behalf an application for Certificate of Compliance is filed with the City Recorder. The term applicant includes any individual having at least a five percent (5%) ownership interest in the business for which a certificate of compliance or license is sought
 - (3) Certificate of Compliance. Either a Retail Liquor Certificate of Compliance or a Wine Certificate of Compliance.

- (4) Person. Any individual, association, partnership, limited liability company, corporation, or other legal entity.
- (5) Place of Worship. Any structure that is utilized on a regular basis by a religious institution as the site of congregational services, rites, or activities communally undertaken for the purpose of worship, but shall not include any building located on or in commercial or residential property.
- (6) Premises. The property: (a) owned, leased, or otherwise controlled by a person licensed under Chapters 3 or 4 of Title 57 of the Tennessee Code or who has applied for or received a certificate pursuant to this article; (b) used or intended for use by said person for the retail sale of alcoholic beverages whether in sealed package or by the drink; and (c) so connected with such business so as to form a component or integral part of it, including, but not limited to, outdoor patios, decks, or similar areas where alcohol is served.
- (7) Retail Liquor Certificate of Compliance. The certificate of compliance for a retail liquor license as defined and set forth in T.C.A. §57-3-208.
- (8) School. Any public or private primary school or secondary school.
- (9) Wine Certificate of Compliance. The certificate of compliance for retail food store wine license as defined and set forth in T.C.A. §57-3-806.
- (B) Other terms used in Articles I and II of this chapter shall have the meanings ascribed to them, unless the context requires an alternative meaning, in Title 57, Chapters 3 and 4 of the Tennessee Code, as such statutory definitions may be amended from time to time.

SECTION 4-3 MANUFACTURE PROHIBITED.

The manufacture of alcoholic beverages is prohibited within the corporate limits of the City.

SECTION 4-4 RETAIL LIQUOR CERTIFICATE OF COMPLIANCE; APPLICATION; APPROVAL.

- (A) Any person seeking a retailer's license pursuant to T.C.A § 57-3-204 to engage in the retail sale of alcoholic spirituous beverages in sealed packages only, and not for consumption on the premises of the retail establishment except for conducting tastings pursuant to T.C.A. § 57-3-404(h)(2), must first apply for and obtain a Retail Liquor Certificate of Compliance from the City as required in T.C.A. §57-3-208.
- (B) City Council shall approve the issuance of any Retail Liquor Certificate of Compliance to an applicant who has satisfied the requirements for such certificate set forth in T.C.A. §57-3-208 and this article. All approved certificates shall be signed by the Mayor and issued to the applicant by the City Recorder.
- (C) To obtain a Retail Liquor Certificate of Compliance for any premises, whether the application be for the transfer of an existing license to a new location or for issuance of a new license, an applicant or applicant group must first:
 - (1) File a formal application with the City Recorder on a form provided by the City Recorder;
 - (2) Provide whatever additional information the City Recorder may require, including a criminal background history, in the form required by the City Recorder, on the applicant or applicants who are to be in actual charge of the business or in the case of a corporation, the executive officers or those individuals who control the business;
 - (3) Provide proof to the City Recorder that the applicant has provided the public notice of applicant's intent to seek a retailer's license from the Commission pursuant to Title 57, chapter 3 of the Tennessee Code and that such notice satisfies the requirements established by the Commission; and
 - (4) Pay an inspection fee of one hundred dollars (\$100.00) to the City Recorder.
- (D) Upon receiving an application for a Retail Liquor Certificate of Compliance, the City Recorder shall:
 - (1) Promptly and conspicuously post the applicant's proposed business location with a clean, neat and legible sign, approximately ten inches by thirteen inches, stating the name and address of the applicant, the nature of the application, and the date upon which the application is to be originally acted upon by Council, said sign to

- be placed so as to provide at least ten (10)-days' notice to the public of the date upon which the application is to be originally acted upon by Council; and
- (2) Review the application and present it, along with the applicant's proposed Certificate of Compliance, to Council for consideration at the earliest possible meeting following compliance of the advertising and posting requirements, advising Council of any imperfections or irregularities in either document.
- (E) An applicant for a Retail Liquor Certificate of Compliance shall appear in person before Council for examination as may be desired by Council. The applicant shall furnish such relevant information as may be requested by Council.
- (F) An applicant, once having fulfilled the requirements of this section and all other applicable laws and regulations entitling the applicant to have the application lawfully considered by Council, may be required to resubmit or further supplement the application in the event Council votes to defer action on the application to a later date; however, if Council denies or rejects the application, the applicant must submit a new application, pay another application fee, cause a new advertisement and a new posting to be made, and otherwise comply with all terms of this section and all other applicable laws and regulations in order to have the applicant's request for a Retail Liquor Certificate of Compliance reconsidered by Council.
- (G) In accordance with T.C.A. §57-3-208, failure by the City to grant or deny an applicant's request for a Retail Liquor Certificate of Compliance within 60 days of the City Recorder's receipt of the applicant's completed written application shall be deemed a granting of the certificate. If an applicant is denied a certificate, the applicant may seek review of such denial by instituting an action in Chancery Court within 60 days of the denial.
- (H) It shall be a misdemeanor for any person to alter, deface, remove or damage any sign placed on any premises under authority of this section, and such person is subject to punishment under Code §1-8.

SECTION 4-5 RETAIL LIQUOR CERTIFICATE OF COMPLIANCE; TERM.

In accordance with T.C.A. § 57-3-213, a Retail Certificate of Compliance issued pursuant to Section 4-4 is valid for two (2) years from the date of issuance unless such certificate is revoked by the City in accordance with this article or the Commission revokes the retailer's license of the person to whom such certificate was issued, in which case such certificate shall be deemed revoked as of the date the retailer's license is revoked.

SECTION 4-6 RETAIL LIQUOR CERTIFICATE OF COMPLIANCE; LIMITED NUMBER.

- (A) Notwithstanding the requirements of Section 4-4, no new Retail Liquor Certificate of Compliance will be issued unless it is determined that the availability of alcoholic beverages to City residents is unreasonably restricted.
- (B) Notwithstanding the limitation established in subsection (A), the City shall issue one or more new certificates for purposes of facilitating the sale of any interest in any existing retail liquor store or the relocation of a retail liquor store's place of business within the City if the person or persons applying for any such certificate(s) satisfy the requirements of Section 4-4 and T.C.A. § 57-3-208.
- (B) For the purpose of determining whether the availability of alcoholic beverages to residents of the City is unreasonably restricted, it will be presumed, absent proof to the contrary, that alcoholic beverages are generally available and that residents are being adequately served when the ratio between the number of operating retail liquor stores in the City relative to the population of the City is less than or equal to one store for each 4,000 City residents. The population of the City for purposes of determining the number of retail liquor stores will be the number provided by the most current population estimate made available by the U.S. Census Bureau, Population Estimates Program. The quotient of the population divided by the allowable per capita number set herein must be a whole number before a certificate may be issued in accordance with this section.

SECTION 4-7 LOCATION RESTRICTIONS ON RETAIL LIQUOR STORES.

- (A) No Retail Liquor Certificate of Compliance shall be issued to an applicant where the business for which the applicant is seeking a certificate is located on property in any zone established by the City’s Zoning Ordinance other than Commercial Fringe (CF) District, Highway Commercial (CH) District, Central Business District (CBD); Heavy Industrial (HI) District; Light Industrial (LI) District; Mixed Use (MU) District; Planned Commercial District (PCD); Planned Industrial District (PID); or Planned Unit District (PUD) with "liquor store" as a permitted use.
- (B) In addition, no Retail Liquor Certificate of Compliance shall be issued for any premises that fails to meet the minimum distance of separation requirements set forth in *Table 4-6*. Compliance with this requirement shall be determined by measuring the length of a straight line drawn from the closest point of the property line of the school or place of worship and the proposed retail liquor store’s premises.

TABLE 4-7

Zone	Minimum Distance of Separation Between Retail Liquor Store and:	
	School	Place of Worship
CF	500 ft.	300 ft.
CH	500 ft.	300 ft.
CBD	500 ft.	300 ft.
HI	500 ft.	300 ft.
LI	500 ft.	300 ft.
MU	500 ft.	300 ft.
PCD/PID/PUD	500 ft.	300 ft.

SECTION 4-8 WINE CERTIFICATE OF COMPLIANCE.

- (A) Any person seeking a retail food store wine license pursuant to T.C.A. §57-3-803 to engage in the sale of wine in a retail food store must first apply for and obtain a Wine Certificate of Compliance from the City as required in T.C.A. §57-3-806.
- (B) City Council shall approve the issuance of any Wine Certificate of Compliance to an applicant who has satisfied the requirements for such certificate set forth in T.C.A. §57-3-806 and this article. All approved certificates shall be signed by the Mayor and issued to the applicant by the City Recorder.
- (C) To obtain a Wine Certificate of Compliance for any premises, whether the application be for the transfer of an existing license to a new location or for issuance of a new license, an applicant or applicant group must first:
 - (1) File a formal application with the City Recorder on a form provided by the City Recorder;
 - (2) Provide whatever additional information the City Recorder may require, including a criminal background history, in the form required by the City Recorder, on the applicant or applicants who are to be in actual charge of the business or in the case of a corporation, that the executive officers or those individuals who control the business; and
 - (3) Pay an application fee of fifty dollars (\$50.00) to the City Recorder, which fee shall be waived if the applicant simultaneously submits an application for a beer permit under Article III of this chapter.
- (D) Upon receiving an application for a Wine Certificate of Compliance, the City Recorder shall review the application and present it, along with the applicant’s proposed Certificate of Compliance, to Council for consideration at the earliest possible meeting, advising Council of any imperfections or irregularities in either document.
- (E) An applicant for a Wine Certificate of Compliance shall appear in person before Council for examination as may be desired by Council. The applicant shall furnish such relevant information as may be requested by Council.

- (F) An applicant, once having fulfilled the requirements of this section and all other applicable laws and regulations entitling the applicant to have the application lawfully considered by Council, may be required to resubmit or further supplement the application in the event Council votes to defer action on the application to a later date; however, if Council denies or rejects the application, the applicant must submit a new application, pay another application fee, and otherwise comply with all terms of this section and all other applicable laws and regulations in order to have the applicant's request for a Wine Certificate of Compliance reconsidered by Council.
- (G) In accordance with T.C.A. §57-3-208, failure by the City to grant or deny an applicant's request for a Wine Certificate of Compliance within 60 days of the City Recorder's receipt of the applicant's completed written application shall be deemed a granting of the certificate. If an applicant is denied a certificate, the applicant may seek review of such denial by instituting an action in Chancery Court within 60 days of the denial.
- (H) It shall be a misdemeanor for any person to alter, deface, remove or damage any sign placed on any premises under authority of this section, and such person is subject to punishment under Code §1-8.

SECTION 4-9 FULL AND ACCURATE DISCLOSURE REQUIRED

- (A) Each application for a Certificate of Compliance required pursuant to either Section 4-4 or 4-7 shall identify each person who is to be in actual charge of the business and, if a corporation, each executive officer and each individual in control of the business. For the purposes of this section, an individual who owns at least fifty percent (50%) of the stock of a business is considered to be in control of the business.
- (B) Misrepresentation of a material fact, or concealment of a material fact required to be shown in the application for a certificate, shall be a violation of this article. The City may refuse to issue a certificate if, upon investigation, the City finds that the applicant for a certificate has concealed or misrepresented in writing or otherwise any material fact or circumstance concerning the operation of the business, or if the interest of any person in the operation of the business is not truly stated in the application, or in case of any fraud or false statements by the applicant pertaining to any matter relating to the operation of the business. All data, written statements, affidavits, evidence or other documents submitted in support of an application are a part of the application.
- (C) If the provisions of this section are alleged to have been violated, the City may revoke any Certificate of Compliance which has been issued, after first providing an opportunity for the applicant or licensee to refute such allegations and/or to show cause why the certificate should not be revoked. Revocation of a certificate shall require a majority vote of City Council. Upon revocation of a certificate, the City Recorder shall send a certified copy of the revocation to the Alcoholic Beverage Commission.

SECTION 4-10 GENERAL RESTRICTIONS ON RETAILERS AND EMPLOYEES.

The restrictions and limitations on retailers and employees set forth in Title T.C.A. §57-3-210 are incorporated herein as if copied verbatim.

SECTION 4-11 EMPLOYEE'S PERMIT.

Every retailer shall, before employing a person to dispense alcoholic beverages, secure an employee's permit for that employee from the Alcoholic Beverage Commission as required by T.C.A. §57-3-204, which is incorporated herein as if copied verbatim.

SECTION 4-12 REGULATIONS FOR PURCHASE AND SALE OF ALCOHOLIC BEVERAGES.

It shall be unlawful for any person to violate T.C.A. §§ 57-3-404, 57-3-406, 57-3-412, 57-3-413, 57-3-807, 57-3-808, or 57-3-809, which are incorporated herein as if copied verbatim in their entirety.

SECTION 4-13 INSPECTION FEES.

- (A) The City, as authorized by T.C.A. § 57-3-501, hereby imposes an inspection fee upon retail liquor licensees and retail food store wine licensees (collectively “retail licensees”) located within the City.
- (B) Such inspection fee shall equal five percent (5%) of the wholesale price of alcoholic beverages (including wine) supplied by a wholesaler to any retail licensee located within the City. .
- (C) Wholesalers operating within the City shall collect the inspection fee from retail licensees at the time of sale or at the time any such retailer makes payment for the delivery of the alcoholic beverages or wine.
- (D) Each wholesaler making sales to a retail licensee within the City shall furnish the City Recorder on a monthly basis with a report containing the information required for such reports by T.C.A. §§ 57-3-503(a). The monthly report shall be furnished to the City Recorder within twenty (20) days of the end of the month in which the sales were made. The inspection fees collected by the wholesaler from retail licensees within the City shall be paid to the City at the time the monthly report is made.
- (E) Failure by a wholesaler to collect the required inspection fee and/or to report and/or pay all such fees in accordance with subsection (D) shall result in the assessment of a penalty against the wholesaler equal to ten percent (10%) of the fee due to the City, which fee shall be payable to the City.

SECTION 4-14 ACTIONS TO RECOVER UNPAID FEES.

Whenever any wholesaler fails to account for or pay the City Recorder any inspection fee imposed pursuant to Section 4-13, the City Recorder shall report the same to the City Attorney, and the City Attorney is hereby authorized to take appropriate action to recover such fee, including filing a civil action in Circuit or Chancery Court.

SECTION 4-15 EXAMINATION OF BOOKS BY CITY RECORDER.

The City Recorder is authorized to examine the books, papers and records of any retailer for the purpose of determining compliance with the provisions of this article and any provision of the Tennessee Code incorporated herein. Any refusal to permit the examination of any such books, papers, or records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a certificate of compliance.

SECTION 4-16 RETAIN INVOICES AND RECORDS.

A licensee shall retain all invoices of alcoholic beverages procured from a wholesale dealer and sales invoices and other records reasonably required to establish and prove that licensee complies with the taxing and inspection fee provisions of this chapter. The aforementioned records must be maintained for a minimum of thirty-six (36) months.

SECTION 4-17 ARTICLES NOT APPLICABLE TO BEER

No provision of Article I or II of this chapter shall be considered or construed as in any way modifying, changing or restricting the rules and regulations governing the manufacture, sale, storage, transportation, or taxation of beer or other liquids regulated under Article III of this chapter.

SECTION 4-18 VIOLATIONS; PENALTY.

Any violation of the provisions of this article shall constitute a misdemeanor and shall, upon conviction, be punishable as provided in Code §1-8. Upon conviction of any person under this article, it shall be mandatory for the City Judge to immediately certify said conviction whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission.

SECTIONS 4-19-4-29 RESERVED.”

SECTION 3. The title of Chapter 4, Article II, Intoxicating Liquors for Consumption on Premises, of the Murfreesboro City Code is hereby amended to read “Consumption of Alcoholic Beverages (Other Than Beer) on Premises.”

SECTION 4. Chapter 4, Article II, Intoxicating Liquors for Consumption on Premises, of the Murfreesboro City Code is hereby amended by replacing all instances of the term “intoxicating liquors” with the term “alcoholic beverages.”

SECTION 5. Chapter 4, Article II, Section 4-30 Subject to Certain Statutes and Regulations, of the Murfreesboro City Code is hereby amended by adding a new subsection (D) as follows:

“(D) This article and the provisions herein shall be interpreted and enforced in conjunction with the laws of the state regarding alcoholic beverages. In the event of conflicts or inconsistencies, the laws of the state shall control.”

SECTION 6. Chapter 4, Article II, Section 4-32 Intoxicating Liquors for Consumption on Premises, of the Murfreesboro City Code, created by Ordinance No. 87-15, as amended, is hereby deleted in its entirety and substituted in lieu thereof the following:

SECTION 4-32 LOCATION RESTRICTIONS.

- “(A) No business that sells any alcoholic beverages (other than beer as defined in Article III of this chapter) for consumption on the premises of the business shall be permitted where such business is physically located in any zone established by the City’s Zoning Ordinance other than Commercial Local (CL) District; Commercial Fringe (CF) District, Highway Commercial (CH) District, Central Business District (CBD); Heavy Industrial (HI) District; Light Industrial (LI) District; Mixed Use (MU) District; Planned Commercial District (PCD); Planned Industrial District (PID); or Planned Unit District (PUD) with "restaurant" or “tavern” as a permitted use.
- (B) In addition, no such business shall be permitted to operate within the City where the premises of such business fails to meet the minimum distance of separation requirements set forth in *Table 4-32*. Compliance with this requirement shall be determined by measuring the length of a straight line drawn from the closest point of the property line of the school or place of worship and the business’s premises.

TABLE 4-32

Zone	Minimum Distance of Separation Between Premises and:	
	School	Place of Worship
CL	500 ft.	300 ft.
CF	500 ft.	300 ft.
CH	500 ft.	No minimum distance
CBD	500 ft.	No minimum distance
HI	500 ft.	300 ft.
LI	500 ft.	300 ft.
MU	500 ft.	No minimum distance
PCD/PID/PUD	500 ft.	300 ft.

”
.

SECTION 7. Chapter 4, Article II, Sections 4-34 and 4-35, Prohibited Sexual or Pornographic Conduct, of the Murfreesboro City Code, created by Ordinance No. 87-15,

is hereby deleted as surplusage, such sections' provisions having previously been incorporated in Chapter 4, Article III and Article IV, respectively. Said sections should be marked as "Reserved."

SECTION 9. Chapter 4, Article II, Sections 4-43, Unlawful Purchase or Attempted Purchase of Beer or Other Alcoholic Beverages is hereby deleted as surplusage, such section's provisions having been incorporated in Chapter 4, Article VI created by Section 13 of this Ordinance.

SECTION 9. Section 4-52, Application for Permit; Fee, of the Murfreesboro City Code, created by Ordinance No. 15-O-26, as amended, is hereby amended at subsection (G) by deleting it in its entirety and substituting in lieu thereof the following:

"(G) All individuals holding at least a five percent (5%) ownership interest in the applicant must present proof that they are citizens or lawful residents of the United States. Applicants may satisfy this requirement by presenting any of the following official documents for inspection by the City Recorder: (1) a U.S. Passport or Passport Card; (2) a Permanent Resident Card ("Green Card"); or (3) a birth certificate issued by: (a) the United States government; or (b) the government of any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States. This requirement shall not apply where no individual holds at least a five percent (5%) ownership interest in the applicant."

SECTION 10. Section 4-52, Application for Permit; Fee, of the Murfreesboro City Code, created by Ordinance No. 15-O-26, as amended, is hereby amended at subsection (K) by deleting it in its entirety and substituting in lieu thereof the following:

"(K) Any applicant whom the Board or Board Hearing Officer determines has made a false statement or misrepresented a material fact in any application with the intent to deceive the City or its officers and employees shall forfeit any permit issued to the applicant and shall not be eligible to receive any permit for a period of ten (10) years."

SECTION 11. Section 4-53, Applicant Criminal Background Check, of the Murfreesboro City Code, created by Ordinance No. 15-O-26, as amended, is hereby amended at subsections (A) and (B) by deleting them in their entirety and substituting in lieu thereof the following:

"(A) An applicant, along with any individual holding at least a five percent (5%) ownership interest in the business, must submit to a fingerprint-based criminal background check through the Tennessee Bureau of Investigation's Tennessee Application Processing Services (TAPS) program. The results of such checks shall be sent directly to the City as the originating agency as authorized by T.C.A. § 57-5-103.

(B) Notwithstanding the requirements of the preceding subsection (A), if no individual person holds at least a five percent (5%) ownership interest in the applicant, the applicant's manager will be required to submit to the background check."

SECTION 12. Section 4-61, Revocation or Suspension of Permit; Civil Penalties, is hereby amended at subsection (B)(4) by adding a new subsection (c) as follows:

"(c) The Board or Board Hearing Officer shall revoke all permits issued to a permit holder upon finding that the permit holder made a false statement or misrepresented a material fact in any application for a permit with the intent to deceive the City or its officers and employees."

SECTION 13. Chapter 4 of the Murfreesboro City Code is hereby amended by creating a new Article VI, Alcohol-Related Offenses, as follows:

“SECTION 4-91 SERVICE, POSSESSION OR CONSUMPTION OF ALCOHOL ON PUBLIC STREETS OR PLACES PROHIBITED; FACILITATION OF VIOLATION.

- (A) It shall be unlawful for any person to serve, possess or consume beer, wine or other alcoholic beverage in any open container in or on any public street, sidewalk, right of way, park, school ground, or other public place or property unless said service, possession or consumption is specifically authorized by a permit or license issued by the City or State. These include but are not limited to licenses for sidewalk cafes and Special Event permits.
- (B) No business engaged in the retail sale of beer, wine, or other alcoholic beverage, whether for on- or off-premises consumption, shall permit a customer to exit the business's premises with an open container of beer onto any public street, sidewalk, right of way, park, school ground, or other public place or property unless such possession or consumption of beer is specifically authorized by a permit or license issued by the City or State.

SECTION 4-92 UNLAWFUL PURCHASE OR ATTEMPTED PURCHASE OF BEER, WINE, OR OTHER ALCOHOLIC BEVERAGES.

- (A) It shall be unlawful for any person:
- (1) Under the age of twenty-one (21) to purchase or attempt to purchase beer, wine, or any other alcoholic beverage;
 - (2) To purchase beer, wine, or any other alcoholic beverage for any person under the age of twenty-one (21) or at the request of any person under the age of twenty-one (21);
 - (3) Who is obviously intoxicated to purchase beer, wine, or any other alcoholic beverage; or,
 - (4) To purchase beer, wine, or any other alcoholic beverage for, or at the request of, a person who is obviously intoxicated.
- (B) A person holding a beer permit under Article III or a license issued by the Commission pursuant to Title 57, Chapter 3 or 4 of the Tennessee Code shall promptly notify the Murfreesboro Police Department of the name, address, and date of birth of any person violating this section, if such information is reasonably available to the holder of any such permit or license or the holder's employees or agents.
- (C) Any person between the ages of eighteen (18) and twenty-one (21) may be prosecuted in accordance with this article or T.C.A. §57-5-301, as same may be amended from time to time. Any person between the ages of thirteen (13) and eighteen (18) may be cited and prosecuted in accordance with this article or T.C.A. §55-10-701 et seq., as same may be amended from time to time.
- (D) Notwithstanding the foregoing, nothing herein shall make it unlawful for the Murfreesboro Police Department to use a person under twenty-one (21) years of age in an effort to enforce this law.

SECTION 4-93 VIOLATIONS.

Except as otherwise provided in this chapter, any violation of this article shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under Code §1-8 of the City Code, in addition to or in lieu of any other penalty or remedy established in this chapter. Each day a violation shall be allowed to continue shall constitute a separate offense.

SECTIONS 4-94 – 4-99 RESERVED.”

SECTION 14. Should any article, section, subsection, sentence, clause, provision, or word of this ordinance be declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the ordinance as a whole, or any part thereof other than the part declared to be

unconstitutional or invalid, as each such article, section, subsection, sentence, clause, provision, or word hereof is declared to be severable.

SECTION 15. The captions and headings of sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions of this Ordinance. Such captions shall not affect the meaning or interpretation of this Ordinance.

SECTION 16. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading

2nd reading

3rd reading

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Craig D. Tindall
City Attorney

SEAL

ORDINANCE 16-O-18 amending the 2015-2016 Budget (4th amendment).

WHEREAS, the City Council adopted the 2015-2016 Budget by motion; and,

WHEREAS, the City Council adopted an appropriations ordinance, Ordinance 15-O-35 on June 18, 2015 to implement the 2015-2016 Budget; 1st amendment by Ordinance 15-O-44 on July 30, 2015; 2nd amendment by Ordinance 15-O-45 on October 22, 2015; and 3rd amendment by Ordinance 15-O-67 on January 14, 2016; and,

WHEREAS, it is now desirable and appropriate to adjust and modify the 2015-2016 Budget by this Ordinance to incorporate expenditure decisions for the 2015-2016 fiscal year.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. The 2015-2016 Budget adopted by the City Council is hereby revised and amended as shown on Exhibit A, attached hereto.

SECTION 2. That this Ordinance take effect immediately upon and after its passage upon third and final reading, as an emergency Ordinance, an emergency existing, and it being imperative to provide for the necessary expenses, general and special, of said City of Murfreesboro for the Fiscal Year 2015-2016 at the earliest practicable time, the welfare of the City requiring it.

Passed:

1st reading _____

2nd reading _____

3rd reading _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Craig D. Tindall
City Attorney

SEAL

Department	Account	BUDGET AS PREVIOUSLY AMENDED	AMENDED BUDGET	AMENDMENT INCREASE (DECREASE)
<u>GENERAL FUND</u>	<u>GENERAL FUND</u>			
REVENUES	REVENUES			
FLEET SERVICES	TRANSFER IN FROM RISK MANAGEMEN	100,000	225,000	\$ 125,000
FLEET SERVICES	TRANSFER IN FROM WATER & SEWER	175,000	210,000	35,000
				<u>\$ 160,000</u>
EXPENDITURES	EXPENDITURES			
FLEET SERVICES	VEHICLE PARTS AND REPAIR	682,959	1,164,959	\$ 482,000
FLEET SERVICES	FROM GENERAL FUND (CONTRA ACCT)	(2,158,402)	(2,480,402)	(322,000)
NON-DEPARTMENTAL	UNFORESEEN CONTINGENCIES & EXP	1,857,028	2,179,028	<u>322,000</u>
				<u>482,000</u>
CHANGE IN FUND BALANCE (CASH)	CHANGE IN FUND BALANCE (CASH)	\$ (6,278,765)	(6,600,765)	<u><u>(322,000)</u></u>
<u>RISK MANAGEMENT FUND</u>	<u>RISK MANAGEMENT FUND</u>			
EXPENDITURES	CLAIMS	\$ 2,500,000	\$ 2,625,000	<u>\$ 125,000</u>
CHANGE IN FUND BALANCE (CASH)	CHANGE IN FUND BALANCE (CASH)	\$ (492,951)	(617,951)	<u><u>(125,000)</u></u>
<u>DRUG FUND</u>	<u>DRUG FUND</u>			
EXPENDITURES	TRANSPORTATION EQUIPMENT	\$ 447,234	\$ 487,153	<u>\$ 39,919</u>
CHANGE IN FUND BALANCE (CASH)	CHANGE IN FUND BALANCE (CASH)	\$ (465,294)	(505,213)	<u><u>(39,919)</u></u>

ORDINANCE 16-OZ-10 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone approximately 1 acre located at 1710 E. Northfield Blvd. from Single-Family Residential Fifteen (RS-15) District to Residential Multi-Family Sixteen (RM-16) District; Murfreesboro Leased Housing Associates I, applicant [2016-409].

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be zoned and approved as Residential Multi-Family Sixteen (RM-16) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts. The City Planning Commission be and it is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:	_____
1 st reading	_____
2 nd reading	_____
3 rd reading	_____

Shane McFarland, Mayor

ATTEST:	APPROVED AS TO FORM:
_____	_____
Melissa B. Wright	David A. Ives
City Recorder	City Attorney

SEAL



BELLE OAKS DR

DEERWOOD AVE

RS-15

PITTS LN

Area
Rezoned from
RS-15 to RM-16

RZ

DR

ROCHESTER DR ROCHESTER

E-NORTH

ELD BLVD

OG

CF

BENLEY ST

RM-12

RM-16

Ordinance 16-OZ-10

WENLON DR



ORDINANCE 16-OZ-11 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone approximately 5.5 acres along Conference Center Boulevard and Avenue Way from Planned Commercial Development (PCD) District and Highway Commercial (CH) District to Planned Residential Development (PRD) District (Vasari Lofts); TDK Construction, applicant [2016-411].

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be zoned and approved as Planned Residential Development (PRD) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts. The City Planning Commission be and it is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:	_____
	Shane McFarland, Mayor
1 st reading	_____
2 nd reading	_____
3 rd reading	_____

ATTEST:	APPROVED AS TO FORM:
_____	_____
Melissa B. Wright	David A. Ives
City Recorder	City Attorney

SEAL



RS-15

WILKINSON PIKE
OG

Area
Rezoned from
PCD to PRD

PRD

PCD

MU

CH

Area
Rezoned from
CH to PRD



SILOHILL LN
CONFERENCE CENTER BLVD
GRESHAMPARK DR
JOHN R RICE BLVD

Ordinance 16-OZ-11



T E N N E S S E E

PCD

ORDINANCE 16-OZ-12 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone approximately 14 acres located within the Liberty Cove subdivision from Single-Family Residential Fifteen (RS-15) District to Single-Family Residential Ten (RS-10) District (approx.. 7 acres) and Single-Family Residential Ten (RS-10) District to Single-Family Residential Fifteen (RS-15) District (approx.. 7 acres); Howard Wall and Jim Obrien, applicant [2016-410].

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be zoned and approved as Single-Family Residential Ten (RS-10) District and Single-Family Residential Fifteen (RS-15) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts. The City Planning Commission be and it is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed: _____
Shane McFarland, Mayor

1st reading _____

2nd reading _____

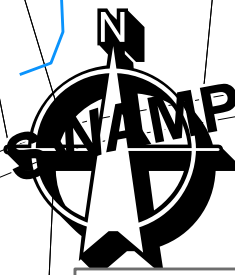
3rd reading _____

ATTEST: APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

David A. Ives
City Attorney

SEAL



CAMP LEANNA RD

RS-15

DAVY CROCKETT DR

SAM HOUSTON AVE

RS-10

ALAMO AVE

ALAMO AVE

Area
Rezoned from
RS-10 to RS-15

RS-10

RS-15

LADY THATCHER DR

HEROES LN

GENERAL PATTON AVE

Area
Rezoned from
RS-15 to RS-10

BRAMBLE TRL

Ordinance 16-OZ-12



ORDINANCE 16-OZ-14 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect to zone approximately 31.9 acres located west of Manchester Pike as Light Industrial (L-I) District; Swanson Development, applicant. [2016-408]

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to zone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map be zoned and approved as Light Industrial (L-I) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts, the plans and specifications filed by the applicant, and the conditions and stipulations referenced in the minutes of the Planning Commission and City Council relating to this zoning request. The City Planning Commission be and it is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading _____
2nd reading _____
3rd reading _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

David A. Ives
City Attorney

SEAL



Area
Zoned L-I

DILTON MANKIN RD
MANCHESTER PIKE
SUGARBUSH CT

41

Murfreesboro
City Limits

L-I

H-I

PRD
WARRMIN
GFIELD DR

HOLLIS WESTBROOKS LN

H-I

JOE B JACKSON PKWY

SUN

RAY DR

CH

PID



ORDINANCE 16-OZ-15 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect to zone approximately 25.4 acres located along New Salem Highway as Commercial Fringe (CF) District (approx. 7 acres) and Residential Multi-Family Sixteen (RM-16) District (approx. 18.4 acres); Jackson Family General Partnership, applicant. [2016-407]

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to zone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map be zoned and approved as Commercial Fringe (CF) District and Residential Multi-Family Sixteen (RM-16) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts, the plans and specifications filed by the applicant, and the conditions and stipulations referenced in the minutes of the Planning Commission and City Council relating to this zoning request. The City Planning Commission be and it is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading _____
2nd reading _____
3rd reading _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

David A. Ives
City Attorney

SEAL



PECAN RIDGE DR

RS-15

DODD TRL

ALLEGRA CT

RS-10

SPARK CO CIR

RZ MEADOW DR

Area
Zoned RM-16

STONE MEADOW DR

CH

RS-12

PACIFIC PL

RS-15

RIVER ROCK BLVD

99

NEW SALEM HWY

RS-15

Area
Zoned CF

WINSLOW CT

ATHENS AVE



Ordinance 16-OZ-15

ORDINANCE 16-OZ-09 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to zone approximately 16.5 acres along West Thompson Lane as Planned Residential Development (PRD) District and to rezone approximately 16.5 acres along West Thompson Lane from Single-Family Residential Fifteen (RS-15) District to Planned Residential Development (PRD) District; Blue Sky Construction, applicant. [2015-431]

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to zone and rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map be zoned or rezoned and approved as Planned Residential Development (PRD) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts, the plans and specifications filed by the applicant, and the conditions and stipulations referenced in the minutes of the Planning Commission and City Council relating to this zoning request. The City Planning Commission be and it is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading _____
2nd reading _____
3rd reading _____

Shane McFarland, Mayor

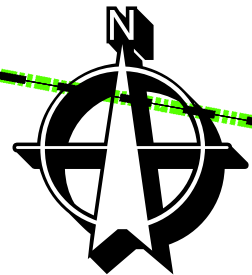
ATTEST:

APPROVED AS TO FORM:

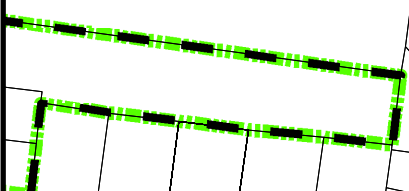
Melissa B. Wright
City Recorder

David A. Ives
City Attorney

SEAL



Area
Rezoned from
RS-15 to Zoned PRD



PRD

NORTHBORO CT

W THOMPSON LN

CU

Area
Annexed and
Zoned PRD

RS-15



SIEGEL RD

EVREUX DR



Ordinance 16-OZ-09

ORDINANCE 16-OZ-13 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect to zone approximately 242 acres along Blackman Road and Florence Road as Planned Residential Development (PRD) District (Shelton Springs); Parks Development, applicant. [2016-406]

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to zone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map be zoned and approved as Planned Residential Development (PRD) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts, the plans and specifications filed by the applicant, and the conditions and stipulations referenced in the minutes of the Planning Commission and City Council relating to this zoning request. The City Planning Commission be and it is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed: _____
Shane McFarland, Mayor

1st reading _____

2nd reading _____

3rd reading _____

ATTEST: APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

David A. Ives
City Attorney

SEAL



**Area
Zoned PRD**

BAKER RD

FOOTHILLS DR



**Murfreesboro
City Limits**

BLACKMAN RD



MANSON PIKE

JOHN LEE LN

BRINKLEY RD



Ordinance 16-OZ-13

ORDINANCE 16-O-22 amending Chapter 33, Water and Sewers, Section 33-1 of the Murfreesboro City Code, dealing with minimum monthly water charges and minimum monthly sewer charges.

WHEREAS, the City of Murfreesboro should have water and sewer rates, fees and charges which will generate sufficient funds to retire indebtedness for existing and planned capital improvements of the Water and Sewer Department and to meet its normal operating expenses; and,

WHEREAS, the City of Murfreesboro Cost of Service Study and Pro Forma prepared by Jackson Thornton Utilities determined the water and sewer rates were insufficient in meeting the system's future revenue requirements; and,

WHEREAS, the Water and Sewer Board studied and decided to recommend these charges to the City Council on March 22, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Section 33-1, Water and Sewer Rates and Charges, of the Murfreesboro City Code is hereby amended at subsection (B) by deleting the table titled "Minimum Monthly Water Charges" in its entirety and substituting in lieu thereof the following:

MINIMUM MONTHLY WATER CHARGES

Meter Size	Charge*	Allowance, cubic feet
5/8 inch	\$ 8.22	-
1 inch	19.18	60
1 1/2 inch	41.10	220
2 inch	65.76	400
3 inch	164.40	1,125
4 inch	328.80	2,330
6 inch	685.00	4,945

One Cubic Foot equals seven and one-half (7½) gallons

*Tax not included

SECTION 2. Section 33-1, Water and Sewer Rates and Charges, of the Murfreesboro City Code is hereby amended at subsection (G) in its entirety and substituting in lieu thereof the following:

(G) *Sewer rates.* Each customer served by sanitary sewer service shall be charged sanitary sewer service and operation and maintenance fees.

(1) *Sewer customers served metered water by a public utility.* The sewer rate shall be \$3.34 per 100 cubic feet of metered water consumption (\$0.0334 per c.f.) over the stated allowance per meter size. The minimum monthly bills applicable to all customers shall be based upon the following table:

MINIMUM MONTHLY SEWER USAGE CHARGES

Meter Size	Charge*	Allowance, cubic feet
5/8 inch	\$10.22	-
1 inch	27.98	60
1½ inch	61.90	220
2 inch	100.06	400
3 inch	252.70	1,125
4 inch	507.10	2,330
6 inch	1,058.30	4,945

One cubic foot equal seven and one-half (7½) gallons.

* Not including O&M charge

In addition to the sanitary sewer service charge, each customer shall be charged an operation and maintenance fee equal to ninety cents (\$0.90) per one hundred cubic feet of metered water usage.

- (2) Each residential sewer customer utilizing an unmetered water supply shall be charged a flat monthly rate of nineteen dollars and seventy cents (\$19.70). Flat monthly rates for other sewer customer charges utilizing an unmetered water supply shall be as determined by the Water and Sewer Board. Sewerage charges will be applied to all customers receiving sewer service.
- (3) *Accessible sewer customers not connected to sanitary sewer.* Minimum monthly sewer usage charges will be applied to all customers whose properties have accessible sewer as defined in City Code §16-28 and §33-33(D) but who are not connected to the sanitary sewer. Customers not connected to the sanitary sewer will not be charged consumption based sewer service charges or consumption based operation and maintenance fees.

SECTION 3. That this Ordinance shall take effect for bills printed on or after July 1, 2016 on its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading _____

2nd reading _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Craig Tindall
City Attorney

SEAL

City of Murfreesboro

Request for Certificate of Compliance for Wine in Retail Stores

Summary of information from the application:

Name of Business Entity Wal-Mart Stores East, LP

Type of Application:

New - wine sale in retail store

Corporation	<u>X</u>
Partnership	<u></u>
Sole Proprietor	<u></u>

Store Manager

Name	Kenneth Wade Duncan
Age	48
Home Address	3023 Waywood Dr.
Residency City/State	Murfreesboro, TN
Race/Sex	Unidentified/M

10 Year Background Check Findings:

City of Murfreesboro:	None
FBI:	No indication of any record that may preclude the applicant for consideration.

Name of Business	Walmart #416
Business Location	140 Joe B. Jackson Pkwy.

Application Completed Properly? Yes

Location meets zoning requirement? Yes

The actual application is available in the office of the City Recorder.

City of Murfreesboro
Request for Certificate of Compliance for
Wine in Retail Stores

Summary of information from the application:

Name of Business Entity Wal-Mart Stores East, LP

Type of Application:

New - wine sale in retail store

Corporation X
Partnership
Sole Proprietor

Store Manager

Name Eric Sean Hancock

Age 42

Home Address 906 Crystal Beer Trail

Residency City/State Murfreesboro, TN

Race/Sex White/M

10 Year Background Check Findings:

City of Murfreesboro: None

FBI: No indication of any record that may
preclude the applicant for consideration.

Name of Business Walmart #2757

Business Location 2012 Memorial Blvd.

Application Completed Properly? Yes

Location meets zoning requirement? Yes

The actual application is available in the office of the City Recorder.

City of Murfreesboro

Request for Certificate of Compliance for Wine in Retail Stores

Summary of information from the application:

Name of Business Entity Wal-Mart Stores East, LP

Type of Application:

New - wine sale in retail store

Corporation X
Partnership
Sole Proprietor

Store Manager

Name	George Nooner Downer
Age	45
Home Address	1519 Ashlawn Dr.
Residency City/State	Murfreesboro, TN
Race/Sex	Unidentified/M

10 Year Background Check Findings:

City of Murfreesboro:	7/2/2011 Seatbelt Violation	Guilty
	7/2/2011 Exp Tags	Guilty
FBI:	No indication of any record that may preclude the applicant for consideration.	

Name of Business	Walmart #5182
Business Location	2478 New Salem Hwy.

Application Completed Properly? Yes

Location meets zoning requirement? Yes

The actual application is available in the office of the City Recorder.

No Digital Copy

ORDINANCE 16-O-16 amending Chapter 33 of the Murfreesboro City Code by creating Section 33-214, establishing a sanitary sewer special assessment district to be known as the South Church Street No. 1 Sanitary Sewer Special Assessment District.

WHEREAS, the City of Murfreesboro proposes to expend approximately Two Hundred, Eighty-Seven Thousand, Eight Hundred and Ninety Dollars (\$287,890.00) for construction of a sewerage system serving the South Church Street No. 1 Sanitary Sewer Special Assessment District, inclusive of the funding costs; and,

WHEREAS, it is appropriate for the City to recoup the investment from those property owners that benefit from same; and,

WHEREAS, the City has estimated the proposed sewer to serve 32.6 acres; and,

WHEREAS, the City has determined a current fair rate of recoupment is Ten Thousand, Six Hundred Dollars (\$10,600.00) per acre for future sewer connections, in addition to all other applicable sewer connection, sewer service, and sanitary sewer district fees; and,

WHEREAS, the City has received development plans for several properties in the affected area and expect these developments to start construction immediately upon completion of the sanitary sewerage system; and,

WHEREAS, the City has determined a fair rate of recoupment is Eight Thousand Eight Hundred Thirty Dollars (\$8,830.00) per acre for future sewer connections if payment is made within six (6) months of final completion of the sewerage system project, a date to be determined through a final completion document issued by the Murfreesboro Water and Sewer Department, in addition to all other applicable sewer connection or sewer service fees; and,

WHEREAS, the Water and Sewer Board of the City of Murfreesboro has recommended the creation of the South Church Street No. 1 Sanitary Sewer Special Assessment District; and,

WHEREAS, Section 4B of the Charter of Murfreesboro requires a Public Hearing before the City Council prior to approval of any special assessment improvement district and the City Council conducted a Public Hearing on May 12, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Murfreesboro City Code, Chapter 33 is hereby amended by adding Section 33-214 as follows:

**“SECTION 33-214 SOUTH CHURCH STREET NO. 1 SANITARY SEWER SPECIAL
ASSESSMENT DISTRICT**

(A) The City hereby creates a sanitary sewer special assessment district called the “South Church Street No. 1 Sanitary Sewer Special Assessment District” in order to recoup funds expended for construction and installation costs of the South Church Street sewage additions,

providing sanitary sewer service to the properties shown on Map. No. 33-214, copies of which are on file with the City Recorder and Director of the Murfreesboro Water and Sewer Department.

In addition to the properties shown on Map No. 33-214, any residence, business, or other improvements constructed in the future that has sanitary sewer discharge into the sewer constructed in the South Church Street No. 1 Sanitary Sewer Special Assessment District shall pay an additional Ten Thousand Six Hundred Dollars (\$10,600.00) per acre. The South Church Street No. 1 Sanitary Sewer Special Assessment District assessment shall remain in effect until such date as the City shall determine and declare that it has been repaid for all development costs for the improvements.

EXCLUSION: Any customer of Murfreesboro Water and Sewer Department shall be excluded from the South Church Street No. 1 Sanitary Sewer Special Assessment District if it is determined by the Director of the Murfreesboro Water and Sewer Department, or a designee, that the sewage from the property served does not discharge into the South Church Street sewerage system.

- (B) Each applicant for sanitary sewer service in the South Church Street No. 1 Sanitary Sewer Special Assessment District shall tender and pay to the City, prior to connection for such service: the sewer connection and tapping fee described in Code §33-50(A)(1) as amended; the outside house service charge described in Code §33-50(C); the additional special sewer area charge as described in Code §33-50(A)(2); and an additional Ten Thousand Six Hundred Dollars (\$10,600.00) per acre for sewer connections in the future; however, a fee of Eight Thousand, Eight Hundred and Thirty Dollars (\$8,830.00) per acre will be accepted as a fair recoupment if payment is made within six (6) months of final completion of the construction project, a date to be determined through a final completion document issued by the Murfreesboro Water and Sewer Department, in addition to all other applicable sewer connection or sewer service fees. For the purposes of calculating this assessment, all land within a lot's property lines is included. Notwithstanding the foregoing, the City may impose additional charges associated with construction of sewer laterals to connect property to the sewer trunk line.
- (C) Additional charges for other uses fixed and established from time to time by the City Council, upon recommendation of the Water and Sewer Board, shall also be paid and collected before connection for sewer service.
- (D) Persons owning and/or occupying property which is accessible to the South Church Street No. 1 Sanitary Sewer Special Assessment District as defined in Code §16-28 shall be exempt from monthly sewer service

charges until such time physical connection is made to a sanitary sewer
or the South Church Street No. 1 Sanitary Sewer Special Assessment
District ends as provided in (A) above.

SECTION 2. That this Ordinance shall take effect fifteen (15) days after its
passage upon third and final reading, the public welfare and the welfare of the City
requiring it.

Passed:

1st reading April 7, 2016
2nd reading April 21, 2016
3rd reading _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Craig D. Tindall
City Attorney

SEAL



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May 9, 2016

Honorable Mayor and Members of City Council:

RE: Dates for Budget Review and Public Hearing

It is requested that City Council consider establishing the dates for budget review.

The City Code requires that the City Manager submit the proposed budget no later than May 15th of each year.

Budget Review Sessions

Our office will be calling you this week to identify dates for budget review that can be voted on during your May 12th meeting. In the past, we have often started these sessions at 4 pm.

The outside agencies and several city departments will be reviewed on the first meeting. The remaining departments would be reviewed on the second review session. A third session, if necessary, could be held on the day of the public hearing.

Budget Public Hearing Date

The budget calendar that was distributed earlier this year suggested that City Council conduct a public hearing at its June 2nd meeting. It is expected that second and final reading would occur on June 16.

The budget review dates and the public hearing will be advertised in the newspaper.

Robert J. Lyons
City Manager

C: Department heads



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Members of City Council

May 12, 2016

RE: Recommended Appointment

As an Item for tonight's City Council agenda, I am recommending the appointment of Mr. David Baughman to the Historic Bottoms Study Steering Committee:

Sincerely,

Shane McFarland
Mayor



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May 12, 2016

Members of City Council

RE: Recommended Re-appointment – Cable TV Commission

Board Re-appointment

As an item for tonight's City Council agenda, I am recommending the re-appointment of Roger Heinrich to the Cable Television Commission.

Sincerely,

Shane McFarland
Mayor



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May 12, 2016

Members of City Council

RE: Recommended re-appointment – Public Building Authority

Board Re-appointment

As an item for tonight's City Council agenda, I am recommending the re-appointment of Harold Yokley, Ronnie Grimes, and Candy Joyce to the public Building Authority as reflected on the attached memo from City Attorney Craig Tindall.

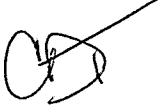
Sincerely,

Shane McFarland
Mayor



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LEGAL DEPARTMENT - MEMORANDUM

TO: Mayor Shane McFarland
FROM: Craig Tindall, City Attorney 
DATE: April 25, 2016
SUBJECT: Public Building Authority re-appointments

Please submit to City Council for approval of re-appointment the following members of the Public Building Authority, all of whom have agreed to be re-appointed:

Harold Yokley
Ronnie Grimes
Candy Joyce

Your consideration in this matter is appreciated.